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ON PETITION

In re Patent No. 6,753,457
Issue Date: June 22, 2004
Application No. 09/226,766
Filed: January 6, 1999
Attorney Docket No. 08609/003004

This is a decision on the petition filed February 23, 2005, which is being treated as a petition under 37 CFR 3.81(b)¹ to waive the rules and accept the correction of the assignee on the front page of the above-identified patent.

The petition is granted.

A review of the USPTO assignment records did indicate that an assignment was recorded for Application No. 08/013,039 on May 21, 1993. However, MPEP 306 states that, in a substitute or continuation-in-part application, a prior assignment of the original application is not applied to the substitute or continuation-in-part application because the assignment recorded against the original application gives the assignee rights to only the subject matter common to both applications. Substitute or continuation-in-part applications require a new assignment if they are to be issued to an assignee.

In further review of the USPTO assignment records indicated that an assignment was recorded for Application No. 08/190,771 on March 14, 1994. MPEP 306 states that, [i]n the case of a division or continuation application,, a prior assignment recorded against the original application is applied to the division or continuation application because the assignment recorded against the original application gives the assignee rights to the subject matter common to both applications.

In view of the granting of the instant petition, petitioner may request a Certificate of Correction pursuant to the provisions of 37 CFR 1.323 and pay the required fee therefor of \$100.

Telephone inquiries concerning this matter may be directed to Wan Laymon at (571) 272-3220.

¹ See Official Gazette of June 22, 2004

This matter is being referred to Files Repository.

A handwritten signature in black ink, appearing to read "Wan Laymon".

Wan Laymon

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy